

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7876**

**BILL NUMBER:** HB 1552

**DATE PREPARED:** Jan 13, 1999

**BILL AMENDED:**

**SUBJECT:** Civil immunity for volunteers.

**FISCAL ANALYST:** Susan Preble

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill grants civil immunity from liability for civil damages resulting from a negligent act or omission of a volunteer other than an act or omission related to the operation of a motor vehicle. It also limits the maximum liability for the operation of a motor vehicle by a volunteer to the limits of the insurance coverage maintained by or for the volunteer.

**Effective Date:** October 1, 1999.

**Explanation of State Expenditures:** Passage of this bill potentially decreases the number of lawsuits filed because it confers civil immunity on persons who volunteer for a non-profit organization or corporation, a hospital, or a governmental entity. This immunity is conferred only for cases in which the damage caused was not due to willful or wanton misconduct, and the volunteer was acting in good faith and within the scope of their duties as a volunteer.

The specific fiscal impact of this bill is indeterminable. Any cost savings would depend on the number of lawsuits that would have been filed against the state for civil damages for injuries caused by volunteer.

The Office of the Attorney General reports the amount of damages paid as a result of all tort claims submitted and tort claim lawsuits filed against the State and by plaintiffs in tort and civil rights litigation between CY 1992 and CY 1997 as follows:

| <u>CY</u> | <u>Damages Paid</u> |
|-----------|---------------------|
| 1997      | \$3,438,230         |
| 1996      | \$5,742,977         |
| 1995      | \$6,362,071         |
| 1994      | \$8,060,838         |
| 1993      | \$4,048,126         |
| 1992      | \$3,456,495         |

The amount paid includes tort claims paid at the time of claim submission, settlements upon the filing of lawsuits, and as a result of a court order. It also includes cases in both federal and state court.

**Explanation of State Revenues:** If the proposal decreases the number of civil actions that would have occurred, the state would experience a decrease in revenue from filing fees that are deposited in the State General Fund.

**Explanation of Local Expenditures:** The fiscal impact is indeterminable, and any cost savings to local political units would depend on the number of lawsuits that would have been filed against the local unit for civil damages caused by volunteers.

**Explanation of Local Revenues:** If the proposal decreases the number of civil actions that would have occurred, the state would experience a decrease in revenue from filing fees that are deposited in county general funds.

**State Agencies Affected:** Office of the Attorney General.

**Local Agencies Affected:** Counties; cities and towns; clerks.

**Information Sources:** Barbara Crawford (232-6217), Office of the Attorney General; IC 34-13-3.